



May 7, 2013

**House Transportation and Infrastructure Committee
Lansing, Michigan**

**Re: Michigan Environmental Council testimony on HB 4629 –
Regulation of Outdoor Advertising**

Dear Representatives,

The Michigan Environmental Council is an umbrella organization with over 65 member environmental, conservation and faith based groups located across Michigan. Many of these groups work hard to make Michigan a great place for recreational activities and a destination for tourists from around the world. Billboards and digital outdoor advertising distract from Michigan's natural beauty and degrades the vacation experience for many of those tourists. Michigan has more billboards than any other state except Florida, including signs that block signature vistas like the Straits of Mackinac and other scenic places.

The Michigan Environmental Council and its members groups have worked on this issue for decades and were involved with efforts to cap the number of billboards in 2006. We are concerned that a number of provisions of HB 4629 will be used to bypass that cap and either increase the number of billboards in Michigan or pave the way for a new generation of larger, more intrusive and digitalized, lighted billboards. In that regard we would like to draw legislators' attention to the following provisions:

1) Permitting process is unclear with conflicting language within the bill

Section 6(1) says that "a sign owner shall apply for an annual permit or a digital billboard permit on a form...."

It goes on to say on page 15, line 8, "A sign owner shall apply for a separate sign permit or digital billboard permit for each sign or digital billboard for each highway subject to this act from which the facing of the sign or digital billboard is visible."

Section 6(2) says that in addition to an annual permit under section (1), a sign owner shall apply for and the department shall issue a digital billboard permit for each sign".

Section 7a(1) says "except as otherwise provided in this section and section 6(2)(A), the department shall not issue an annual permit for a new sign on or after January 1, 2007."

A digital billboard is defined as a sign.

Section 6(1) and 6(2) are clearly in conflict. Section 6 (2) states that a party needs to obtain two permits - both an annual permit and a digital billboard permit -- however 6(1) says you need one or the other. If only a digital billboard sign is needed under Section 6(2), then the cap under 7a(1) no longer applies. We think this language needs to be clarified to require both permits.

2) New language may significantly increase the number of billboards in Michigan

New language on page 15, line 5, states that a sign owner must apply for an annual permit for a sign visible "from an interstate highway, freeway or primary highway, ANY OTHER HIGHWAY THAT IS REQUIRED TO BE REGULATED BY THE DEPARTMENT, OR ANY OTHER HIGHWAY THAT BECOMES REQUIRED TO BE REGULATED BY THE DEPARTMENT UNDER THIS ACT OR ANOTHER STATE OR FEDERAL STATUTE OR LEGAL REQUIREMENT."

The terms "interstate highway", "freeway" and "primary highway" are all clearly defined under the act. However, it is unclear what is meant by language that also brings under the act any other highway over which the Michigan Department of Transportation has any regulatory oversight. The state regulates a variety of aspects of highway establishment, maintenance and operation.

Under new federal MAP-21 regulations states will now have to set performance targets for the National Highway System which has been expanded to include "principal arterial streets". Nationally, this expanded the National Highway System from 158,674 miles of roadway to over 220,000 miles. According to the National Highway Administration the states will be responsible for control of outdoor advertising along these new segments

According to Section 6(3) the state has two years to “exercise control” over signs located along these additional miles in Michigan which are mostly located within urbanized areas within the state. Section 7(15) requires that the state issues annual permits for all signs located along these routes. This expansion may leads to thousands of new annual permits being issued for billboards within the State of Michigan, and make it easier to move, enlarge or digitize existing signs.

A provision should be added that these signs are not eligible for interim permits pursuant to section (7)(3). Failure to do so will result in many of these signs being transferred and contribute to further intensive sign construction along high-value interstate routes.

3) Conversion of annual permits to digital billboards

We oppose provisions which allow sign owner to convert signs regulated under this act to digital billboards. We think the state should strictly limit the number of permits for digital billboard signs.

4) Funding

We think the state should significantly increase the fees for billboard and view this as one of the many funding resources needed to improve transportation infrastructure within the state.

For these reasons, we ask committee members not support HB 4629 until the changes outlined above have been made to the legislation.

Sincerely,

Michigan Environmental Council

